

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

JOSE RANGEL,

Plaintiff,

v.

PAUL THOMPSON,

Defendants.

Case No. 2:22-cv-00021-JDP (HC)

ORDER TRANSFERRING CASE TO THE
McALLEN DIVISION OF THE UNITED
STATES DISTRICT COURT FOR THE
SOUTHERN DISTRICT OF TEXAS


Plaintiff, a federal prisoner proceeding pro se, has filed a habeas petition. Therein, he alleges that he should be immediately released because his conviction is based on a faulty indictment. ECF No. 1 at 3-4. The indictment and conviction stem from proceedings in the McAllen Division of the United States District Court for the Southern District of Texas. *Id.* at 3. An attack on the validity of a conviction should be brought in the court of conviction. *See Hernandez v. Campbell*, 204 F.3d 861, 864-865 (9th Cir. 2000) (“Generally, motions to contest the legality of a sentence must be filed under § 2255 in the sentencing court, while petitions that challenge the manner, location, or conditions of a sentence’s execution must be brought pursuant to § 2241 in the custodial court.”). Here, petitioner argues that he should be released because he was not charged in a timely indictment. ECF No. 1 at 1. That attack on the validity of his conviction should be brought in Texas.

1 Pursuant to Local Rule 120(f), a civil action which has not been commenced in the proper
2 division of a court may, on the court's own motion, be transferred to the proper division of the
3 court. Therefore, this action will be transferred to the McAllen Division of the United States
4 District Court of the Southern District of Texas.

5 Good cause appearing, it is hereby ORDERED that this action is transferred to the United
6 States District Court for the Southern District of Texas sitting in McAllen.

7
8 IT IS SO ORDERED.

9 Dated: May 21, 2022


JEREMY D. PETERSON
UNITED STATES MAGISTRATE JUDGE